HUYCK RANCH

RETURN TO
JAS. A. CLAYTON & CO.
(A CORPORATION)
SAN JOSE, CALIFORNIA

E. E. B[illegible]ard

J. C. Koppel, E. E. Barnard

Mr Riley

34

ABSTRACT OF TITLE

Barnard

TO

Lot 12 and the South East half of Lot 5 of the Huyck Subdivision in Pueblo Tract No. 1.

COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA.

Dated June 18 1891

MADE AT THE REQUEST OF

J. B. Capp

SAN · JOSE
[illegible]T TITLE AND TRUST CO.,
[illegible]CCESSOR TO
[illegible]UMAN AND POMEROY & HOWES,
[illegible]orth Second Street,
[illegible]AN JOSE, CAL.

Pending suit p 19
does deed at p 20 include. I think not
R. was Louise Koppel married p 28 lot 12
notarial seal p 28
Koppel divorce not final
subject to motion for new trial
and appeal
mort p 37
" " 38
39
deed needed from Koppel & wife

Open Mtge. at pp. 37, 38 & 39.

Abstract of Title.

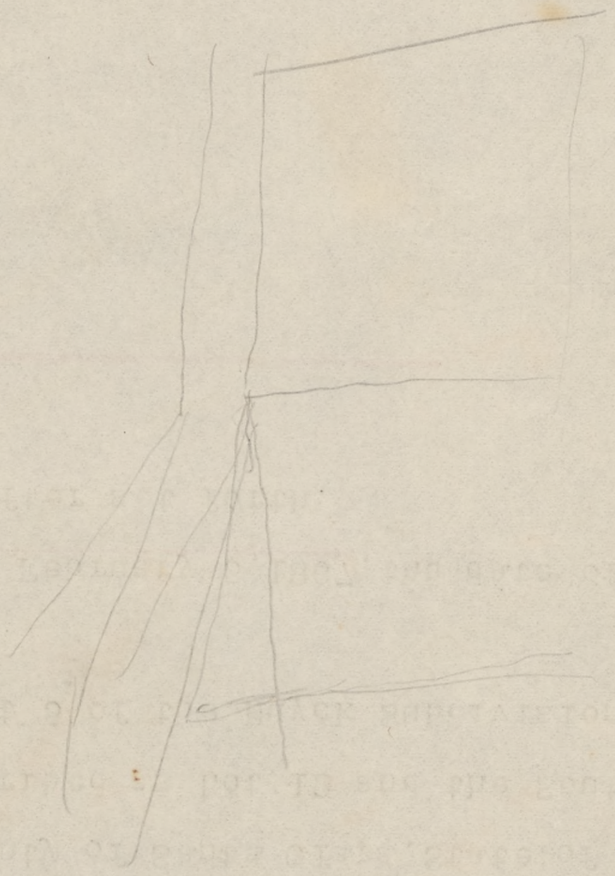
TO

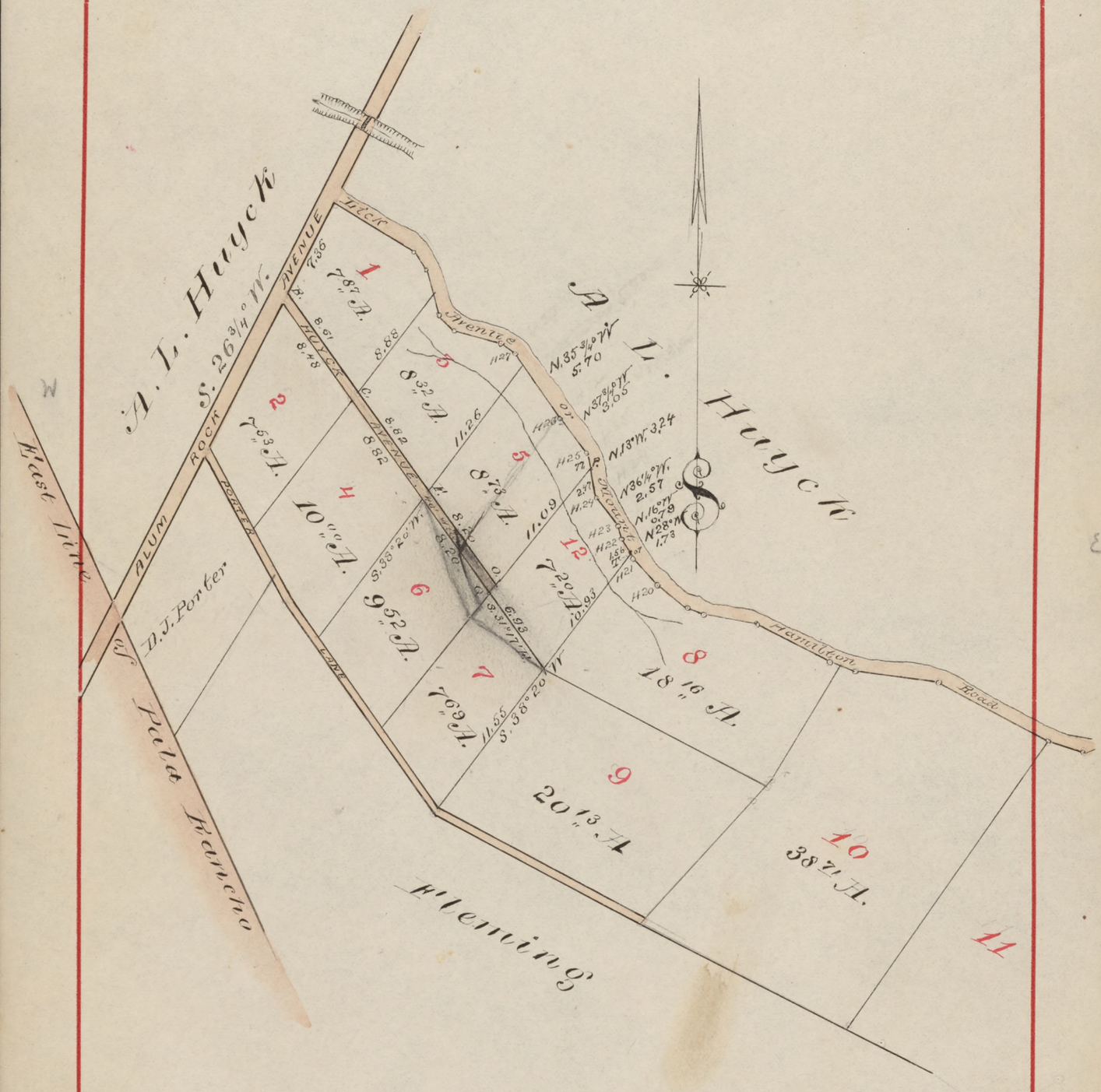
All those certain lots, pieces or parcels of land situate in the County of Santa Clara, State of California, known and described as Lot 12 and the South Eastern one half of Lot 5 of the Huyck ~~Subdivision~~ Land in Pueblo Tract Number 1. of the Pueblo lands of the City of

Subsequent to February 5, 1867, the date of the deed first hereinafter set forth.

San Jose

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHERS OF RECORDS.
SAN JOSE, CAL.





PLAT

Showing Subdivision of part of the A.L.Huyck Tract in Pueblo Tract No 1 of the Pueblo Lands of the City of San Jose.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS
SAN JOSE, CAL.

ABSTRACT

OF THE

PUEBLO TITLE,

Derived Under Acts of the Legislature of the

STATE OF CALIFORNIA,

THROUGH THE

Commissioners of the Funded Debt

OF THE

CITY OF SAN JOSE.

HISTORY:

The Mayor and Common Council of the City of San Jose, claimants for lands described by boundaries, granted July 22d, 1778, by Felipe de Neve, Governor of the Province of Upper California, to the Pueblo of San Jose de Guadalupe.

Claim filed July 14th, 1852. Confirmed by the Board of Land Commissioners February 5th, 1856. Appeal taken August 6th, 1857. Confirmed by the District Court November 26th, 1859. Appeal on behalf of the U. S. granted February 16th, 1860. Decree of Final Confirmation entered in the U. S. District Court June 13th, 1866.

COMPILED BY

EDGAR POMEROY,

Searcher of Records, - - - San Jose, California.

A. S. York, Book and Job Printer, 30 East Santa Clara St.

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References to Statutes of the State of California.

STATUTES OF 1856—CHAPTER CXXXVI.

An Act to authorize the Funding of the Debt of the City of San Jose. and to Provide for the Payment of the same. [Approved April 19th, 1856.]

STATUTES OF 1858—CHAPTER CCXXXIII.

An Act to Authorize the Funding of the Unfunded Debt of the City of San Jose, and to Provide for the Payment of the same. [Approved April 21st, 1858.]

References to Proceedings of the Board of Trustees of the City of San Jose.

May 17, 1858—Resignation of Thomas Fallon accepted. [Page 265.]

June 10, 1858—Election of S. O Houghton to fill vacancy created by resignation of Thomas Fallon. [Page 266.]

June 16, 1858—Bond of William Daniels, James C. Cobb and Sherman O. Houghton, in the penal sum of $15,000, filed. [This Bond is not approved by any person or Court.]

Oath of office taken before J. R. Weller, J. P., (of Milpitas Township) June 11, 1858.

August 2, 1858—The "Ordinance to carry into effect the Act concerning the Funding of the Unfunded Debt of the City of San Jose, approved April 21, 1858," was taken up, amended and adopted. [Page 269.]

THE CITY OF SAN JOSE,

By PETER O. MINOR, President of the Board of Trustees.

TO WILLIAM DANIELS, JAMES C. COBB and S. O. HOUGHTON,

Commissioners of the Funded Debt of the City of San Jose.

DEED

Dated ..... *August 4, 1858.*

CONSIDERATION—PREMISES.

WHEREAS, William Daniels, James C. Cobb and Sherman O. Houghton, have duly qualified as Commissioners of the Funded Debt of the City of San Jose, in accordance with the requirements of an Act of the Legislature of the State of California, approved April 21, 1858, entitled, "An Act to Authorize the Funding of the Unfunded Debt of the City of San Jose, and to provide for the payment of the same," and whersas, the Board of Trustees of the City of San Jose did, on August 2, 1858, by an ordinance passed by them and duly approved, August 2, 1858, authorize, empower and direct P. O. Minor, President of the Board of Trustees, to make, execute, acknowledge and deliver to said Commissioners a deed of conveyance, conveying to said Commissioners all the property, and rights, titles and interest in property belonging to said City, together with lands, and rights in lands, or claims to the same, held or owned by the former Pueblo de San Jose de Guadalupe, and all the Pueblo rights of said Pueblo, in Trust for the payment of the debts of said City; now, therefore, I, Peter O. Minor, President of the Board of Trustees of the City of San Jose, in behalf of said City, by virtue of the authority conferred upon me by said ordinance, in consideration of the premises, grant, bargain, sell and convey unto William Daniels, James C. Cobb and S. O. Houghton, Commissioners of the Funded Debt of the City of San Jose, and to their successors in office, all those certain lands lying in the County of Santa Clara, State of California, te wit: All the property, and rights, titles and interests in property belonging to said City, together with the lands and rights in lands, or claims to the same, held or owned by the former Pueblo de San Jose de Guadalupe, and all the Pueblo rights of said Pueblo, upon trust, to sell and dispose of the same in such manner as they may deem the best interests of said City requires, and apply all the moneys which shall be received by them from the sales of said lands to the payment of the Funded Debt of the City of San Jose, after paying the necessary expenses of said Board of Commissioners.

Acknowledged August 23d, 1858.

Before JOHN B. HEWSON,

County Clerk of Santa Clara County.

Recorded September 4th, 1858.

Liber "L" of Deeds, Page 672.

Reference to Statutes of the State of California.

STATUTES OF 1859—CHAPTER XCII.

An Act supplementary to and amendatory of "An Act to Authorize the Funding of the Unfunded Debt of the City of San Jose, and to provide for the Payment of the same," approved April 21st, 1858. [Approved March 7, 1859.]

Reference to Proceedings of the Common Council of the City of San Jose.

May 2, 1859—Resignation of William Daniels as one of the Board of Commissioners of the Funded Debt offered and accepted. [Page 265.]

May 9, 1859—Clerk instructed to present resignation of William Daniels, and request him (Daniels) to direct it properly. [Page 296.]

May 14, 1859—Wm. Daniels released from his bond as one of the Commissioners of the Funded Debt. [Page 298.]

June 6, 1859—Lawrence Archer elected to fill vacancy created by resignation of William Daniels. [Page 300.]

June 24, 1859—Bond of James C. Cobb, Sherman O. Houghton and Lawrence Archer, in the penal sum of $15,000. (No endorsement or memorandum of filing.)

Oath of office annexed, sworn to before Thomas Fallon, Mayor, June 24, 1859.

February 3, 1861—Resignation of Mr. Archer as a member of the Board of Fund Commissioners was accepted, and Judge Daniels unanimously chosen to fill the vacancy. [Page 376.]

February —, 1861—Bond of J. C. Cobb, S. O. Houghton and Wm. Daniels. Oath of office taken by Daniels before R. B. Buckner, Mayor of the City of San Jose.

Reference to Statutes of the State of California.

STATUTES OF 1862—CHAPTER CXXVI.

An Act supplementary to an Act entitled "An Act to authorize the Funding of the Unfunded Debt of the City of San Jose, and to Provide for the payment of the same, approved April 21st, 1858." [Approved April 8th, 1862.]

STATUTES OF 1863—CHAPTER CXLII.

An Act to amend an Act entitled "An Act to authorize the Funding of the Unfunded Debt of the City of San Jose, and to Provide for the Payment of the same, approved April 21st, 1858." [Approved April 6th, 1863.]

Reference to Proceedings of the Common Council of the City of San Jose.

November 14, 1864—Resignation of S. O. Houghton, one of the Commissioners of the Funded Debt of the City of San Jose, presented and laid over. [Page 241.]

November 15, 1864—Resignation of S. O. Houghton as one of the Board of Commissioners of the Funded Debt of the City of San Jose accepted. Ordinance passed and approved appointing Francis E. Spencer a Commissioner of the Funded Debt of the City of San Jose. [P. 242]

November 25, 1864—Bond of Wm. Daniels, James C. Cobb and Francis E. Spencer in the penal sum of $15,000. Oath of office (of all) appended, sworn to before Jas. A. Clayton, County Clerk of Santa Clara County.

Reference to Statutes of the State of California.

STATUTES OF 1866—CHAPTER XXIX.

An Act to Abolish the Board of Commissioners of the Funded Debt of the City of San Jose. [Approved January 17th, 1866.]

FRANCIS E. SPENCER, JAMES C. COBB and WILLIAM DANIELS,
Commissioners of the Funded Debt of the City of San Jose,

—TO—

THE MAYOR AND COMMON COUNCIL of the City of San Jose, and their successors in office:

DEED

Dated----------*January, 26 ,1866.*

CONSIDERATION---Authority Conferred and $1.00.

WHEREAS, All of the indebtednesss of the City of San Jose which existed on the 21st day of April, 1858, and all of the indebtedness of said city, which was authorized to be funded by virtue of an Act approved April 21st, 1858, has been fully paid; and, whereas, the Legislature of the State of California passed "An Act entitled an Act to abolish the Board of Commissioners of the Funded Debt of the City of San Jose," approved January 17th, 1866, wherein it is expressly provided that said Commissioners, or a majority thereof, are required to convey to the "Mayor and Common Council of the City of San Jose," on the application of the Mayor thereof, all the property and rights, titles and interests in property belonging to said Commissioners, together with lands and rights in lands, or claims to the same, held or owned by the former Pueblo de San Jose; and, whereas, the said Mayor of the City of San Jose did, January 25th, 1866, make a demand on said Board of Commissioners of the Funded Debt requiring said Board to make, execute and deliver a proper deed of conveyance from said Board to said Mayor and Common Council of all the property, rights, titles and interests in property belonging to said Commissioners which remained in their hands unsold on the 17th day of January, A. D. 1866.

Now, therefore, do grant, bargain, sell and convey unto the "Mayor and Common Council of the City of San Jose," and their successors in office, in trust, for the use and benefit of said city and the citizens thereof, all those certain lands lying in the County of Santa Clara, State of California, to wit: All the property belonging to said Commissioners, as such, rights, titles and interests in all the lands, and claims to any and all the lands held or owned by the former Pueblo de San Jose de Guadalupe, meaning thereby all the right title, claim and interest in the property and lands aforesaid acquired by said Board of Commissioners by a certain deed of conveyance to said Board, made and executed by P. O. Minor, as President of the Board of Trustees of the City of San Jose, dated on the 4th day of August, A. D. 1858, and recorded in Book L of Deeds, pp. 672, etc., in the office of the Recorder of the County of Santa Clara, excepting from this conveyance, however, all such lands as may have been heretofore sold to private persons by said Commissioners.

Acknowledged February 3d, 1866.
Before CHARLES G. THOMAS, N. P.

Recorded February 6th, 1866. Liber "U" of Deeds, page 589.

Reference to Statutes of the State of California.

An Act to Re-incorporate the City of San Jose. [Approved March 17th, 1866.]

J. A. Quinby

As Mayor of the City of San Jose, for and on behalf of the Mayor and Common Council of said City of San Jose,

TO

A. L. Huyck

DEED

Dated Feby. 5, 1867.

Consideration---Premises, and $ 1900.00

Certified copy of Ordinance passed by the Mayor and Common Council of the City of San Jose, February 4, 1867, approved February 5, 1867, authorizing the sale of Pueblo Lands to A. L. Huyck, set forth at length, authorizing and directing the Mayor of said City to sell and convey to A. L. Huyck on payment to the City Treasurer of the sum of Nineteen Hundred dollars, the following described tract or parcel of land, being a portion of the Pueblo Lands of the City of San Jose, to wit: All that certain tract or parcel of land lying and being in the County of Santa Clara, in the State of California, and

Beginning at a post standing upon the Eastern line of the Pala Rancho and at the South West corner of land of Knapp, and running thence N.82 1/4° E. 20 chs N.72 3/4° E. 5 chs, N.56 3/4° E. 23.16 chs to the North East corner of said land of Knapp; thence along land in possession of Shaw S.38° E. 30.50 chs to a post standing in the center of a gulch; thence up said Gulch with the following courses and distances N.77 1/2° E. 12 chs, S.81° E. 10 chs, S.45° E. 9.75 chs, thence along the Western line of land of McCarley with the following courses and distances S.58° W. 4 chs, S.7° E. 25 chs, S.49 1/2° W.7.19 chs, S.49 1/4° E.39 chs to a post on line between lands of McCarley and of Fleming, thence along the Northern line of land of Fleming S.59° W. 34 chs. N.57 1/2° W. 10 chs

N. 64° W. 37 chs, N.35 3/4° W. 21.35 chs and S.30 3/4° W. 12 chs to a post on said Eastern line of the Pala Rancho and thence along said Rancho N.22 3/4° W. 63.60 chs to the place of beginning. Containing 592 acres. Courses true Mag.Var.16 1/2° E.

Recites Ordinance, a certified copy of which is hereto attached, and is hereby referred to and made a part of this indenture.

Now, therefore, in consideration of the premises and the sum of 1900 00 dollars, etc., said party of the first part, for and on behalf of said Mayor and Common Council of the City of San Jose, doth bargain, sell, release, remise and convey to the said party of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land situate lying and being in the _____, County of Santa Clara, State of California, and bounded and described as in said Ordinance is set forth, which said certified copy of said Ordinance is hereby referred to for a full description of said premises.

Provided, always, that all covenants of warranty are hereby expressly excluded herefrom.

SEAL OF CITY OF SAN JOSE

IN WITNESS WHEREOF, the said party of the first part, as such Mayor, has hereunto set his hand and seal, and has caused to be affixed the corporate seal of said City of San Jose, the day and year first above written.

J. A. Quinby, [L. S.]
Mayor of the City of San Jose.

Acknowledged Feby. 5th, 1867.

Before A. E. Pomeroy, County Clerk and Ex-officio Clerk of the County Court.

Recorded Feby. 6th, 1867.

Liber W of Deeds, Page 234.

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THE UNITED STATES OF AMERICA,

TO

The Mayor and Common Council of the City of San Jose, their Successors and Assigns.

PATENT.

Dated ..... *June 4, 1884*

THE UNITED STATES OF AMERICA, TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, It appears from a duly authorized Transcript, filed in the General Land Office of the United States, that, pursuant to the provisions of the Act of Congress, approved the third day of March, Anno Domini one thousand eight hundred and fifty-one, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," The City of San Jose, by its Mayor and Common Council, filed a petition on the fourteenth day of July, A. D., one thousand eight hundred and fifty-two, with the Commmissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in which petition it claimed the comfirmation of its title to a tract of land known by the name of "Pueblo of San Jose de Guadalupe," situate in the then County of Santa Clara and State aforesaid.

And Whereas, The Board of Land Commissioners aforesaid on the fifth day of February, A. D. one thousand eignt hundred and fifty-six, rendered a decree of confirmation in favor of the claiment, which decree or decision having been taken by appeal to the District Court of the United States, for the Northern District of California, the said District Court at a stated term, on the sixth day of August, A. D. one thousand eight hundred and fifty-seven, in the cause entitled "The Mayor and Common Council of the City of San Jose, vs. The United States," rendered its decree as follows, to wit:

"Appeal from the final decision of the Commissioners to ascertain and settle Private Land Claims in the State of California. The claimants claim the land included within the boundries of the former 'Pueblo of San Jose de Guadalupe,' according to its aincent boundaries, and the cause having been heard upon appeal from the decision of the Commissioners aforesaid upon the transcript of the proceedings before the said Commissioners, their decision, and the papers and evidence on which said decision was founded, and the same having been argued by the District Attorney on behalf of the United States, and by F. M. Haight and Joseph B. Crockett, on behalf of the claimants representing the said Pueblo, and due deliberation being thereupon had,

"The said Court, in pursuance of the laws of Congress, in that case made and provided, doth order, judge and determine, that the claim of the claimants to the land included within the Ancient limits of the said Pueblo of San Jose be confirmed to said claimants, or their legal representatives, according to the ancient boundaries of said Pueblo, as ascertained by the orders and decrees of the former Governments of California, the map and surveys in evidence and the testimony of witnesses in the case, as set forth in the said transcript of the proceedings of the said Commissioners sent to this Court."

And thereafter, the mandate of the Supreme Court of the United States dismissing the appeal taken in this cause having been presented and filed in the said District Court of the United States for the Northern District of California, the said District Court on the thirteenth day of June, A. D. one thousand eight hundred and sixty-six in the cause entitled "The United States vs. The Mayor and Common Council of the City of San Jose Pueblo Lands," rendered the followieg decree, viz:

"Now, therefore, on motion of Francis E. Spencer, Esq., of counsel for the Mayor and Common Council of the City of San Jose, aforesaid, it is ordered, adjudged and decreed, in conformity with the said mandate of the said Supreme Court, that the claim of the Mayor and Common Council of the City of San Jose, the claimants to the land included within the ancient limits of the Pueblo of San Jose, be confirmed to said claimants, or their legal representatives, according to the ancient boundaries of said Pueblo, as ascertained by the orders and decrees of the former Governments of California, the map and surveys in evidence, and the testimony of witnesses in the case, as set forth in the transcript of the proceedings sent to the said Supreme Court.

"It is further ordered, adjudged and decreed by this Court that the boundaries of the said claim, being the same with those of the former Pueblo of San Jose, shall be ascertained and surveyed as follows, Begining at a point in the woods at a live oak tree in the dividing line between said Pueblo and what were formerly known as the lands of the Mission of San Jose, and if said tree is gone, where the same was in March 1838, running thence a southeast course, which passes through the mountains which are called Las Buellas, Pala San Felipe, Las Animas and Aguas de las *Llagas*, to a monument of stone erected in March 1838, and having reference to all the landmarks on this line and to the monument of stone in the middle of Pala,—this line is in length eleven and one-half leagues and its southern termination the southeast corner of the ancient limits of the said Pueblo and of the land hereby confirmed to the claimants. Then commencing again at the point first mentioned, being the said live oak tree, or its former situation, and running in a line from the northeast by east to southwest by west to the Embarcadero of the Guadalupe to the last live oak which is seen on the bank of the River Guadalupe, or where the same was in March 1838, being two leagues and eight hundred varas for the length of this line, and the same passing near the house formerly occupied by Jose Higuera, and distaat from it four hundred and ten varas, the house being on the northerly side of this line.

" Thence up the River Guadaloupe to its source, and thence running with a line corresponding with the course of said river as near as may be, and which is nearly from southeast to northwest, and having refence to monuments of stone formerly placed on this line, the last of which and the termination of this line, was placed on the apex of a little hill which is at the foot of the mountain called 'Parage de los Capitancillos,' including part of the oak grove now, or formerly, at this place, and including all the Willow Grove now, or formerly, at the source of said river.

"Thence from said point at the foot of said mountain 'de los Capitancillos' to the creek called las *Llagas* at, or near its source, and at such point, as will make the distance from where said line strikes said creek, to the southeastern point before ascertained, the same length as the distance from the starting point in the survey to the Embarcadero, that is, two leagues, eight hundred varas, thence from said point, last ascertained, to the southeastern corner of said tract before ascertained. In making the survey and ascertaining the preceeding lines refrence will

be had to the survey and map of the Pueblo by the Commissioners Castro, Gulnac and Salvio Castro in March 1838, and to the survey of Joseph Arguello under date of the twenty-fourth dayof July, 1801, signed also by the Friar Martin de Sandeta and Jose Miguel Osuna, and to the documents and depositions in the cause as to the ancient boundaries of said Pueblo of San Jose subject to the following deductions, namely, the Rancho Las Milpitas, Rincon de los Esteros, Pala, Yerba Buena, Canada de Pala, San Felipe de las Animas, Laguna Seca, Santa Teresa, San Juan Bautista, Los Captancillos, San Vicente, Las Uvas, Ojo Agua de la Coche, San Francisco de las *Llagas*, and also such other parcels of land as have been by grants from lawful authority vested in private proprietorship and have been finaly confirmed to parties claiming under said grants by the tribunals of the United States, or shall hereafter be finaly confirmed to parties claiming thereunder by said tribunals in proceedings now pending therein for that purpose, all of which said excepted parcels of land are included in whole or in part within the boundaries above mentioned, but are excluded from the confirmation to the Mayor and Common Council of the City of San Jose. This confirmation is in trust for the benefit of the lot holders under grants from the Pueblo, Town or City of San Jose, or other competent authority, and to any residue in trust for the use and benefit of the inhabitants of the City," whereby the proceedings of Court upon *title* became final.

And whereas under the thirteenth section of said Act, of the third day of March, Anno Domini, one thousand eight hundred and fifty one, and the supplemental legislation, and in accordance with the proceedings had pursuant to said Act and supplemental legislation, there has been deposited in the General Land Office of the United States, a return with the descriptive notes and plat of the survey of the said claim, confirmed as aforesaid, authenticated by the signature of the United States Surveyor-General of the State of California, which descriptive notes, and plat of survey, are in the words and figures as follows, to wit:

"UNITED STATES SURVEYOR-GENERAL'S OFFICE
San Francisco, California.

"Under and by virtue of the provisions of the thirteenth section of the Act of Congress of the third of March, 1851,, entitled 'An Act to ascertain and settle the Private Land Claims in the State of California,' and of the twelfth section of the Act of Congress, approved on the thirty-first of August, 1852, entitled 'An Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirteenth of June, 1853, and for other purposes, and whereas the United States District Court for the Northern District of California, rendered a decision whereby it recognized and confirmed the title and claim of the Mayor and Common Council of the City of San Jose' to the tract of land designated as the Pueblo Lands of San Jose, excepting from such confirmation certain tracts or parcels of land included in whole or in part within the exterior boundaries of said tract, as appears from the certified copy of the final decree of the said District Court, a copy of which is hereto annexed, the said tract of land was surveyed in conformity to the grant thereof and the said decision, and I hereby certify that the accompanying map is a true and accurate plat of the said Pueblo Lands of San Jose, as appears by the field notes compiled from the field notes of the surveys thereof, made by G. H. Thompson and A. T Herrmann, Deputy Surveyors, under the directions of this office, which field notes having been examined and approved, remain of record therein.

"The exterior boundaries of the said Pueblo Lands of San Jose are described in the words and figures following, to wit: (Describing same.)

And designated on the accompanying plat as Tract No. 1,' 'Tract No. 2,' Tract No. 3,' 'Tract No. 4,' and Tract No. 5,' being the lands for which confimation was in this case given, fifty-five thousand, eight hundred and ninety-one and seventy-seven hundredths (55,891.77) acres and within the boundaries of the tracts designated upon said plat as Rancho Agua Caliente, Rancho Los Tularcitos, (Higuera), Rancho Rincon de los Esteros (Ellen White), Rancho Rincon de los Esteros (Berreyesa), Rancho Rincon de los Esteros (R. Alviso, et al.), Rancho Las Milpitas, Pala Rancho, Rancho Canada de Pala, Rancho Yerba Buena, Rancho Los Huecos, Rancho Canada de San Felipe y las Animas, Rancho Laguna Seca, Rancho Ojo de Agua de la Coche, Rancho San Francisco de las Llagas, Rancho Las Uvas, Rancho San Vicente, Rho de los Capitancillos (Charles Fossatt), Rancho de los Capitancillos (Guadalupe Mining Company), Rancho San Juan Bautista, Rancho Santa Teresa, and Pueblo Lot No. 6 (P. Chaboya), being the lands excepted from the confirmation in this case by special provision in the decree of the United States District Court, as aforesaid,—one hundred and thirty-two thousand, two hundred and seventy-three and sixty-three hundredths (132,273.63) acres, making an aggregate area within said exterior boundaries of one hundred and eighty eight thousand, one hundred and sixty-five and forty hundredths (188,165.40) acres."

[Here follows descriptions by metes and bounds of certain specific tracts embraced within the exterior boundaries above set forth, viz: Tracts number One, Two, Three, Four, and Five, of the said Pueblo Lands of San Jose, and which are so delineated upon the plat hereunto annexed, and which said plat is duly certified by said United States Surveyor-General for California,—the property under search being embaraced within the boundaries, and being a part of Tract number———of said Pueblo Lands, as so described and delineated.]

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and pursuant to the provisions of the Act of Congress aforesaid, of the third of March, Anno Domini one thousand eight hundred and fifty-one, and the legislation supplemental thereto, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said the MAYOR AND COMMON COUNCIL OF THE CITY OF SAN JOSE, their successors and assigns, the tract of land embraced and described in the foregoing survey; but with the stipulation that in virtue of the fifteenth section of the said Act, neither the confirmation of this said claim nor this patent shall affect the interests of third persons; and with the further reservation and exception from the transfer by these presents, as excepted by the aforesaid decree of the District Court of the United States for the Northern District of California, dated june thirteenth, Anno Domini one thousand eight hundred and sixty-six, namely:—"The Ranchos Las Milpitas, Rincon de los Esteros, Pala, Yerba Buena, Canada de Pale, San Felipe de las Animas, Laguna Seca, Santa Teresa, San Juan Bautista, Los Capitancillos, San Vincente, Las Uvas, Ojo Agua de la Coche, San Francisco de las *Llagas*, and also such other parcels of land have been by grants from lawful authority vested in private proprietorship and have been finally confirmed to parties claiming under said grants by the tribunals of the United States, or shall hereafter be finally confirmed to parties claiming thereunder by said tribunals in proceedings now pending therein for that purpose, all of which said excepted parcels of land are included in whole or in part within the boundaries above mentioned, but are excluded from the confirmation to the Mayor and Common Council of the City of San Jose."

TO HAVE AND TO HOLD the said tract of land with the appurtenances unto the said the MAYOR AND COMMON COUNCIL OF THE CITY OF SAN JOSE, their successors and assigns forever, with the stipulation, reservation and exception aforesaid.

In Testimony whereof, I, CHESTER A. ARTHUR, President of the United States have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, this fourth day of June in the year of our Lord one thousand eight hundred and eighty-four, and of the Independence of the United States the one hundred and eighth.

United States General Land Office SEAL.

By the President: CHESTER A. ARTHUR.
By WM. H. CROOK, Secretary.

S. W. CLARK, Recorder of the General Land Office.
Recorded Vol. 12 pp. 341 to 426 inclusive.
Recorded, July 11, 1884. Liber "D" of Patents page 12, Records of Santa Clara County, Cal.

A. L. Huyck

To

J. S. Carter

A. C. Marshall and

J. H. Braly.

DEED.

Dated Jany.2,1875.

In consideration of a deed of a certain spring by said J.S.Carter to the said party of the first part.

Does grant,bargain,sell,convey and confirm unto said parties of the second part and to their heirs and assigns forever,a strip of land 40 feet wide,the center line of which is described as follows,viz:

Commencing at a point in the Easterly line of Santa Clara Avenue distant 26.80 chs from the point of intersection of the Easterly line of said Avenue with the South Easterly boundary line of the Pala Rancho, and running thence from said point of beginning across the lands of said Huyck with the following courses and distances, S.59° 05' E. 6.83 chs, S.35° 35' E. 2.18 chs, S.70° 45' E. 3.15 chs; S.47° 30' E. 1.35 chs, S.81° E. 3.35 chs, S.52° 05' E. 1.92 chs, S.34° 12' E. 4.86 chs; S.39° 45' E. 3.92 chs, S.11° E. 3.34 chs, S.42° 55' E. 2.27 chs: S.13° 20' E.2.03

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

chs. S.44° 10' E. 3.87 chs. S.64° 45' E. 2.85 chs; N.89° 50' E. 3.75 chs; S.67° 45' E. 8.50 chs; S.88° 55' E. 5.45 chs: N.80° 40' E. 2.73 chs, S.71° 25' E. 1.92 chs. S.62° 45' E. 3.24 chs: S.75° 45' E. 4.84 chs: S.62° 45' E. 2.25 chs: S.75° 25' E.10.89 chs to the North Western line of J.S.Carter's Rancho.

"To have and to hold the same forever."

That the said party of the first part reserving forever to himself and to each and all the future owners of the tract of land now belonging to said party of the first part through which said strip of land runs, the full use and privilege of said strip of land as a road.

Acknd. Jany.2,1875.

Before Jno.B.Hewson N.P.

Recorded Jany.2,1875.

Liber 35 of Deeds Page 435.

Note- This conveyance does not affect any part of the premises Searched,

Pomeroy

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

J. S. Carter

To

A. L. Huyck.

DEED.

Dated Nov.10,1875.

Cons.$1.oo

Does grant,bargain,sell and convey unto the said party of the second part and to his heirs and assigns forever,all all those certain premises bounded and particularly described as follows,to wit: Beginning at a point in the center line of the Carter Road (as conveyed by deed of A.L.Huyck to John S.Carter and others dated the 2d day of January 1875) where the North Easterly line of land in the possession of A.L.Huyck intersects the said Carter line of the Carter Road and from which point of beginning a gate post near the North Easterly line of the said Road bears North 49° 15' West 10 7/10 feet,distant and thence running from said point of beginning, North 9° 45' E. 170 feet to the middle of a certain spring of water located at said point. Together with the land surrounding and adjacent thereto in all directions from the said center of said spring 10 feet, also all the right,title, interest and control of sufficient land on either side of of said spring towards the lands of said

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHERS OF RECORDS.
SAN JOSE, CAL.

A.L.Huyck at or on any point on said Huyck's land; that he may choose to "excravate" the earth and lay down pipe under ground for the conveyance of said Water from said spring to the lands of said Huyck, said Huyck having all the right,title,intre-- and control of saidspring and all the water that now flows or may flow from said spring.

Acknd. Nov.10,1875.

Before Jos.W.Johnson N.P.

Recorded Nov.10,1875.

Liber 37 of Deeds Page 596.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

Santa Clara Valley Mill and Lumber Company

A Corporation.

vs

H. C. Ward, L.Whipple

and A. L. Huyck.

Notice of Mechanic's Lien.

Dated May 19,1877.

To secure the sum of $203.25 in U.S.gold coin for lumber and cartage for the construction and erection of a shed and hall constructed by said Ward and Whipple on the lands of which A.L.Huyck was at the time of the said furnishing and is now the owner and bounded on the North by lands of Knapp,on the East by lands of Jones,and Carter: South by lands of Fleming and West by lands of White, said shed and hall being situated upon a hill behind what is known as the "junction house" on said lands of Huyck. That the materials therein used were commenced to be furnished or or about February 2d,1877. That on said day during the time said materials were furnished to said Ward and Whipple said A.L.Huyck the owner of said lands, had actual notice of the construction of said building and of the furnishing material therefor. That the last of the materials so used in such construction were

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

furnished on the 20th day of March A.D.1877. Amount of claim $203.25.

Verified by the oath of Julius Wunderlich, Secretary of the Corporation above named, May 19, 1877.

Before Chas. F. Wilcox N.P.

Recorded May 19, 1877.

Liber A of Liens Page 212.

Satisfied on the margin of the Record April 16, 1878,

by S.C.V.Mill & Lumber Co.

By Wm. P.Dougherty, Supt.

Signed and acknowledged
April 16th 1878, Before
W. B. Hardy, Recorder
By Thos. Oakes, Depty.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

Twentieth District Court.

County of Santa Clara.

Santa Clara Valley Mill and Lumber Company

Plaintiff

vs

H. C. Ward, L.Whipple,

and A. L. Huyck Defendants.

LIS PENDENS.

Notice that an action has been commenced against the above named defendants for the foreclosure of a certain mechanic's Lien which is recorded in Book "A" of Mechanic's Liens at page 212 on a certain shed and Hall constructed by said Ward and Whipple on certain lands of said Huyck, bounded North by lands of Knapp, East by lands of Jones and Carter, South by lands of Fleming, and West by lands of White, together with the lands on which said shed and Hall are situated and a convenient space about the same.

Campbell and Wilcox

Attorneys for Plaintiff.

Dated August 17, 1877.

Recorded August 17, 1877.

Book 1 Lis Pendens page 406.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

Twentieth District Court

County of Santa Clara.

Santa Clara Valley Mill and
Lumber Company,
Plaintiff

vs

H. C. Ward,
L. Whipple and
A. L. Huyck. Defendants.

Cause No.5050. Reg.H page 411.

1877	
Augt.17	Cause entered. Complaint filed, and Summons issued.
1878	
Apl.16	Register entry- "Dismissed by Order of Plffs.Atty, see order Book. J. J. Sontheimer Clerk. By M.J.Ashmore,Depy."

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

A. L. Huyck

To

D. J. Porter.

DEED.

Dated Sept.23,1876.

Cons.$800.

Grant,bargain,and sell convey and confirm unto the said party of the second part and to his heirs and assigns forever,all that certain piece or parcel of land being part of the original Huyck tract in Pueblo tract No.1 in said County and State and more particularly described as follows: Beginning at a stake marked D.P. and W.standing at the point of intersection of the Southern line of the Alum Rock Avenue with the east line of Pala Rancho,and running thence along the east line of said Rancho S.22° 36' E. 8.84 chs to a 4 x 4 post marked P.1.and standing at the common corner of the original Huyck and Fleming tracts in said east line of said Rancho; thence along the line between said original Huyck and Fleming tracts N.31° 12' E. 7.29 chs to a stake marked P.2.at the fence corner in said dividing line,from which point a white oak 21 inches in diameter and marked B.T.No.2 bears N.36° W.64 lks thence N.28 1/4° W. 8.93 chs to a stake marked P.3,and H and standing in the aforesaid Southern line of said

SAN JOSE ABSTRACT TITLE & TRUST CO.,
SEARCHER OF RECORDS,
SAN JOSE, CAL.

Alum Rock Avenue, and thence along said last mentioned line S.26 1/2° W. 6.625 chs to the place of beginning, Containing 5.01 acres. Courses true, variation 16° 35' E.

(signed) A. L. Huyck (seal)

Acknd. Sept.23,1876.

Before Geo.M.Yoell N.P.

Recorded Feby.14,1879.

Liber 48 of Deeds Page 454.

Note - This deed does not cover any portion of the premises Searched -

Pomeroy

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

A. L. Huyck

To

The Commercial and Savings

Bank of San Jose.

a Corporation &c.

MORTGAGE.

Dated April 17,1878.

Mortgages (the property under search, and other property)

To secure the payment of $7050. &c.

Recorded April 17,1878.

Liber 30 Mortgages Page 30.

Satisfied in full on margin of record June 6,1881,by The Commercial and Savings Bank of San Jose,by B.D.Murphy, its President, and duly attested by the County Recorder.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

Santa Clara Valley
Mill and Lumber Co.
vs
F. Dotta and
A. L. Huyck.

Mechanic's Lien.

Dated June 21,1881.

Notice of claim of lien for lumber furnished said Dotta in the construction &c.of building known as the Junction House &c.

Recorded June 21,1881.

Liber B Mechanics Liens page 136.

Satisfied in full on margin of record Oct.27,1883,by "S.C.V.M.& L.Co. Jas.M.Thorpe Secy.",and duly attested by the County Recorder.

Note: An action to foreclose the above lien was commenced Sept.19,1881 in the Superior Court of the County of Santa Clara,and notice Lis Pendens recorded Sept. 19,1881,in the office of said County Recorder in Liber 2 of Lis Pendens page 213. Said cause is Case No.6445. Register of Actions K page 434 and said action was dismissed on Register of Actions Oct.27,1883,by Chas. F.Wilcox,Atty for plaintiff.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

M A P

of the

Subdivision of part of the

A. L. Huyck Tract

in Pueblo Tract No.1, of the Pueblo Lands of the City of San Jose, surveyed September 1883, by Herrmann Bros.

Recorded Mch.26, 1884.

Book B of Maps Page 7.

N o t e : The subdivision above and as shown on Plat in Abstract is situated within the boundaries of the tract of land conveyed to A.L.Huyck, by the City of San Jose, by deed dated Feby.5th, 1867, recorded in Liber W of Deeds page 234, set forth at page of Abstract.

The acreage of the Lots as shown on plat, is the net acreage, and does not include any portion of the Avenues.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHERS OF RECORDS,
SAN JOSE, CAL.

A. L. Huyck

To

Louise Koppel.

DEED.

Dated Mch.5,1885.

Cons.$576.

Grant,bargain,sell and convey unto the said party of the second part and to her heirs and assigns forever, as her seperate property, All that certain piece or parcel of land in the County of Santa Clara,State of California,and more particularly described as follows viz:

All of Lot 12 of the A.L.Huyck Subdivision of Pueblo Tract number one,of the Pueblo lands of the City of San Jose,as surveyed by Herrmann Brothers September 1883,and recorded in the office of the County Recorder of Santa Clara County, said Lot containing 7 20/100 acres of land.

To have and to hold the same to second party,and to her heirs and assigns forever as her seperate property,the consideration hereof being her seperate and individual money.

A. L. Huyck (seal)

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

Acknd. March 5, 1885.

Before D.J.Porter N.P.

Recorded March 16, 1885.

Book 79 of Deeds Page 80.

Note: Grantee above named was the wife of J. LeKapper at date of said deed

Searchers

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

A. L. Huyck

To

John Tregoning.

DEED.

Dated "the 11th day of February in the year of our Lord one thousand eight hundred and eighty eighty five".

Cons. $698.40

Grant, bargain, sell and confirm unto the said party of the second part and to his heirs and assigns forever, all that piece parcel or lot of land, in the County of Santa Clara, State of California, viz:

Being Lot 5 of a part of the subdivision of the A.L Huyck Rancho in the Pueblo tract No. one of the Pueblo lands of the City of San Jose, as mapped and surveyed by the Herrman Bros. Sept. 1883, said map and survey being recorded in the office of the Recorder of the County of Santa Clara, California.

Said Lot No. 5 containing 8.73 acres of land.

A. L. Huyck (seal)

Acknd. Feby. 11, 1885.

Before Alfred Lansdell N.P.

County of Santa Barbara.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

(Notarial seal omitted)

Recorded Mch.17,1885.

Book 78 Deeds Page 167.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

John Tregoning

To

John Reedy.

DEED.

Dated Mch.17,1885.

Cons.$349.20.

Grant,bargain,sell and convey unto the said party of the second part and to his heirs and assigns forever, all that certain piece or parcel of land in the County of Santa Clara,State of California,viz:

The South eastern one half of Lot No.5 of the A.L. Huyck Subdivision of a part of Pueblo tract No.one of the Pueblo lands of the City of San Jose,California, and being the S.E. one half of Lot 5 conveyed by A.L. Huyck to John Tregoning,by deed under date of Feby.11, 1885.

John Tregoning (seal)

Acknd. Mch.17,1885.

(by John Tregonning)

Before D. J. Porter N.P.

Recorded Mch.18,1885.

Book 79 of Deeds Page 109.

SAN JOSE ABSTRACT TITLE & TRUST CO.,
SEARCHER OF RECORDS,
SAN JOSE, CAL.

John Ready

To

Louise Koppel.

DEED.

Dated Mch.6,1886.

Cons.$390.

Grant,bargain,sell and convey unto the said party of the second part and to her heirs and assigns forever,all that certain piece or parcel of land in the County of Santa Clara,State of California,viz:

The South Eastern one half of Lot No.5 of the A.L. Huyck Subdivision of a part of Pueblo tract No.one of the Pueblo lands of the City of San Jose,State of California,and being the South Easterly one half of Lot 5 conveyed by A.L.Huyck to John Tregoning by deed under date of February 11,1885.

To have and to hold the same unto the said party of the second part and to her heirs and assigns forever,as her seperate property.

John Ready (seal)

Acknd. Mch.6,1886.

Before D.J.Porter N.P.

Recorded Mch.30,1886.

Book 85 of Deeds Page 27.

SAN JOSE ABSTRACT, TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

J. C. Koppel and

Louise Koppel, his wife

To

John Ready.

MORTGAGE.

Dated March 12, 1886.

To secure the payment of $380.

Mortgages South East half of Lot 5 Huyck Subdivision.

Recorded Mch. 30, 1886.

Book 66 Mortgages Page 160.

Satisfied in full on the margin of the record Nov. 18, 1887, by H.H. Anderson, and duly attested by the County Recorder.

The above mortgage is assigned by John Ready to H.H. Anderson by assignment of mortgage duly executed and acknowledged Sept. 4, 1886 by John Ready and recorded Sept. 4, 1886 in Book C of Assignments of Mortgages Page 517.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

In the Superior Court, County of Santa Clara, State of California.

Louisa Koppel Plff

vs

J. C. Koppel Deft.

Action for Divorce.

Case No. 8332. Reg. M p. 425.

Department No. 2.

1889

May 8 Complaint filed. Avers:

Marriage of plaintiff and defendant on August 29th 1869, in the City of San Francisco State of California, and their continued residence in said State from the date of said marriage to the present time.

Alleges as grounds for divorce Abandonment and desertion, and cruel treatment.

Prays for decree of divorce custody of minor children.

J. C. Black

Atty for plff.

Complaint duly verified by plff.

N o t e : The following amendment to prayer

SAN JOSE ABSTRACT, TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

of complaint, is endorsed on the complaint, viz:

Plff further prays that the separate property described in plffs Answer and defts. answer, to defendants answer be set aside to plff, both real and personal property and if any community property, plff. have her proportion thereof set aside to her.

May 9 Summons issued.

July 1 Demurrer of Deft filed.

Summons returned- not filed. Showing service upon deft. June 10, 1889.

Aug. 30 Demurrer withdrawn, 15 days to answer.

Record K p. 631.

Oct. 3 Answer of deft. filed, general denial, and avers that the following described real property, is community property of plff and deft. viz:

All of Lot 12 and the South half of Lot 5 of the A.L. Huyck Subdivision of Pueblo Tract No. 1 of the Pueblo lands of the City of San Jose, as surveyed by Herrmann Bros. Septr. 1883 containing in all 12 acres of land more or less (and a lot in Santa Cruz County)

And as separate property of plff, the lot

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS
SAN JOSE, CAL.

and dwelling house of deft.on which his family reside in the City of San Jose.

Prays that plff take nothing by her action, That in the event a decree of divorce be granted,that one half of the community property be awarded deft.

C. E. Allen,

Atty for Deft.

Answer duly verified by plff.

Oct.15 Answer of plff to Answer and cross complaint of deft.filed.

Denies allegations of answer of deft.as to community property,and avers that same was purchased by plff.with her separate estate acquired by inheritance.

Oct.21 Cause set for trial Nov.27,1889.

Nov.27 Cause on trial. Plff allowed to amend her complaint,by adding thereto a prayer for the separate and community property. Cause submitted and oral decision from the bench in favor of plff,with order that findings and decree be prepared accordingly.

Record L p.128.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

Dec.4	Findings and Conclusions of law,filed.
Dec.4	Decree entered and filed dissolving the bonds of matrimony existing between plff and deft. and awarding to plff as her separate property house and lot in the City of San Jose,and lot in Santa Cruz County. And awards to defendant as his share of the community property- All of Lot 12 of the A.L. Huyck Subdivision of Pueblo Tract Number 1 of the Pueblo lands of the City of San Jose,as surveyed by the Herman Brothers,Sept.1883,a map of which is recorded in the Recorders office of Santa Clara County,said lot containing 7.20 acres of land. Also all of that other tract of land situate in said County and State,being the South Eastern one half of Lot number 5 of the A.L.Huyck subdivision of a part of Pueblo tract No.1 of the Pueblo lands of the City of San Jose,and being the Southeasterly one half of Lot 5, conveyed by A.L.Huyck to John Tregoning by deed dated February 11,1885,containing 5 acres more or less. Subject to the payment by the defendant of the 450.oo dollars and interest,due the estate

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS
SAN JOSE, CAL.

of B. Schulte deceased, being the balance of the purchase money of said Huyck tract.

Judgment Book P. p.128

Dec.4 Judgment Docketed. Roll filed.

N o t e :

Certified copy of foregoing decree recorded in the County Recorder's office Jany.6th 1891, in Book S of Miscellaneous Records page 78.

SAN JOSE ABSTRACT, TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

J. C. Koppel

To

Gertrude Schulte

Executrix of the Last Will and Testament of

B. Schulte deceased.

MORTGAGE.

Dated Mch. 26, 1890.

To secure the payment of $506. six months after date with interest at the rate of 8 1/2 per cent per annum, payable semi annually or to compound.

Mortgages Lot 12 and the South Eastern one half of Lot 5 of the Huyck Subdivision.

Acknd. Mch. 26, 1890.

Before Karl Klein N.P.

Recorded Mch. 26, 1890.

Book 92 Mortgages Page 509.

The above mortgage is assigned by Gertrude Schulte Executrix as above named to S.F. Leib, by assignment of mortgage duly executed and acknowledged Mch. 26, 1890, and recorded Mch. 27, 1890, in Book E of Assignments of Mortgages at page 283.

Opw Sept 29/91 Dec 5/91

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

J. C. Koppel

To

Joseph Tuers.

MORTGAGE.

Dated Dec.27,1889.

To secure the payment of $350. one year after date with interest thereon at the rate of 8 per cent per annum payable quarterly or to compound.

Mortgages South East one half of Lot 5 and all of Lot 12 of Huyck Subdivision in Pueblo Tract No.1.

Acknd. Dec.27,1889.

Before J.J.Sontheimer N.P.

Recorded Sept.23,1890.

Liber 93 Mortgages Page 315.

Open Sept 29/91
Dec 5/91

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SAN JOSE ABSTRACT, TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

J. C. Koppel

To

Moses Koppel.

Mortgage.

Dated Sept.20,1890.

To secure the payment of $850. one year after date with interest at the rate of 8 per cent per annum until paid.

Mortgages:- South Eastern one half of Lot 5 and all of Lot 12 Huyck Subdivision in Pueblo No.1.

Acknd. Sept.20,1890.

Before J. E. Brown N.P.

Recorded Sept.24,1890.

Book 98 Mortgages Page 9.

Open Sept 29/9 Dec 5/91

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SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS,
SAN JOSE, CAL.

T A X E S .

State and County.

Fiscal years

1867-68 :
:
To : PAID.
:
1890-91 :

1891-92 Now a Lien.

NO JUDGMENT LIENS.

The foregoing Abstract consisting of pages One to 40 inclusive, made at San Jose, Cal. June Eighteenth 1891, at Nine o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY.

By J. C. Edwards Manager.

SAN JOSE ABSTRACT TITLE & TRUST CO.
SEARCHER OF RECORDS.
SAN JOSE, CAL.

Continuation
of
The Foregoing Abstract.

As to

THE SAME PROPERTY.

NO CHANGE.

TAXES.

No Change.

NO JUDGMENT LIENS.

This continuation consisting of pages 41 and 42 made at San Jose, Cal. September Twenty ninth, 1891 at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE and TRUST COMPANY,

By J C Edwards Manager.

Continuation
of
The Foregoing Abstract.

AS TO

THE SAME PROPERTY.

NOTHING FURTHER.

CONTINUED TAXES.

STATE and COUNTY.

Lot 12 and South East 1/2 Lot 5 of Huyck Subdivision.

Fiscal years.

1891-92

Real Estate Tax None

Tax on Mortgage Interest created by 92 M 509 Both. Installments PAID

Tax on Mortgage Interest created by 93 M 315, First Installment PAID

Tax on Mortgage Interest created by 98 M 9 First Installment delinquent Amount $1.48, 15 % to be added.

NO JUDGMENT LIENS.

The foregoing Continuation consisting of pages 43 to 44 inclusive, made at SAN JOSE, CAL. December Fifth, 1891 at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY.

By J. C. Edwards Manager

Apples –

Early Red Astrachan /

Early Red June – /

Gravenstein – /

Early Summer Pearmain /

Skinners Seedling /

~~Tall Pippin~~

Red Greening /

~~at~~ Yell ~~New~~ Bellflower /

Wagener – /

Smith Cider /

Baldwin /

Esopus Spitzenberg /

Ladies Sweeting /

Yell Newtown Pippin 4 – best keeper

Little Red Romanite –

Pears –

Early Madeleine –

Doyenne D'Ete

~~Rosetier~~ ~~Rostizier~~

Bartlett –

Seckel –

Dana –

Bearne Clairgeau

Dutchess D'Angouleme –

Easter Beaune –

Winter Nelis

Glout Morceau –

Figs | From Tulare Sta.

Pickling

Olives - Mission.
" Nevadillo Blanco -
& best pickling
Queen -

Good Grapes | Black Morocco
Emperor.
Piece (or Isabella regia)
~~The~~ Rose de Peru.
Black Muscat -

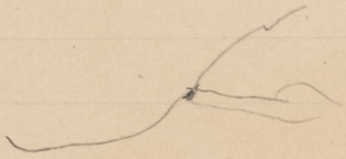
2 Quinces - ~~Or~~ Apple - & Chinese

Crab - Transcendent - or Hyslop -

Plums - Kelsey Japan.
Duanes Purple -
Silver Prune -

Peaches -
Morris White - Canning.
Muir.
Early Alexander -
Nectarine { Nov White -

Pear pick when stem cleaves
from branch with no fracture
or when seeds are tiny —
put in dark C



Phoenix Canariense (Wild Date)
Fan Palm (Washingtonia)
Seaforthia elegans -
Chamaerops excelsa. (Fan palm of Southern States)

Strawberry. Guava. -
Japanese Persimmon (Seedless)
Banana Cavendishi } Fruit -
or Abyssinian banana (no fruit)
Loquat (Sweet Japan) 2 -
Tardiff Late Orange - ~~2~~ - 1.

Apricots – Royal
Hemskirk
~~Blenheim~~

~~Sparhawk's Honey~~
Cherry – ~~Royal Ann~~ (Nap Biggarren
~~Blk Tartarian~~ x
Blk Republican
Cois Transparent.

Walnut – Persian, or S.B Soft shell,
Filberts 2 (Not English var. but French or Italian.

Pomegranites 2 x Red Spanish or Ruby.

LAW OFFICES
OF
JNO. R. JARBOE,
ROOMS 7, 8 AND 9,
230 MONTGOMERY STREET.

P. O. BOX No. 2479.
TELEPHONE 1140.
CABLE ADDRESS:
JARBOE, SANFRAN.

SAN FRANCISCO, June 30th, 1891.

My Dear Barnard,

I send you herewith your abstract and the other papers sent me in connection therewith.

I am not satisfied with the title presented by the abstract, and advise you as follows:

The land seems to have belonged to the City of San Jose, and the title of A. L. Huycl conveyed February 5th, 1867, is satisfactory.

The Searcher should tell you that the street set out on page 12 does not take up any part of your land.

The suit set out on pages 18 and 19 should be dismissed, and the Searcher should tell you that the deed at page 20 does not cover any portion of your land. I do not think it does; but if it does not I do not see why it is put on the abstract.

These objections are matters of detail and can easily be cured, but there is a very serious defect in the title, which I now explain to you.

The land in question was conveyed by two deeds set out on pages 25 and 30, to Louisa Koppel. These deeds were made for a valuable consideration, and the property presumptively became the community property of herself and her husband.

Mrs. Koppel subsequently brought a suit for divorce against her husband, and in that suit the property in question was set over to her husband.

June 30th, 1891.

My Dear Barnard,

I send you herewith your abstract and the other papers sent me in connection therewith.

I am not satisfied with the title presented by the abstract, and advise you as follows:

The land seems to have belonged to the City of San Jose, and the title of A. H. Huyc, conveyed February 6th, 1807, is satisfactory.

The Searcher should tell you that the street set out on page 12 does not take up any part of your land.

The suit set out on pages 18 and 19 should be dismissed, and the Searcher should tell you that the deed at page 20 does not cover any portion of your land. I do not think it does; but if it does not I do not see why it is put on the abstract.

These objections are matters of detail and can easily be cured, but there is a very serious defect in the title, which I now explain to you.

The land in question was conveyed by two deeds set out on pages 25 and 30, to Louisa Koppel. These deeds were made for a valuable consideration, and the property presumptively became the community property of herself and her husband.

Mrs. Koppel subsequently brought a suit for divorce against her husband, and in that suit the property in question was set over to her husband.

A decree of divorce was entered in this case on the 4th of last December, but no notice of the entry of judgment or decision of the case seems ever to have been given by either party to the other.

A motion for a new trial could be made at any time, or an appeal can be taken on the judgment roll within the year. Mr. Koppel's attorney must see that these things are done and submitted to me to show that they have been done to my satisfaction, before the trade is closed. If this can not be done, I would not advise you to purchase the property, unless you get a deed from both the husband and wife--that is, from Koppel and wife.

There are several mortgages upon the property, on pages 37, 38 and 39, which must be satisfied before you can close the trade.

Now, be sure you are right about this matter, and do not take any further steps without consultation with me. You must remember that you are an astronomer, and that professional men do not live off one another, so there is no bill in this matter for services.

You have never answered ~~by~~ my conundrum about the apparent lengthening and shortening of the days. Please do it some time.

The term Pueblo, was a Mexican law term, meaning ~~ta~~ city or town, and pueblo lands of the City are simply those which it obtained by virtue of being a city, -- as this land, which is a part of the pueblo land of the City of San Jose. The title to pueblo lands is neither better nor worse than that of other lands, and the

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term Pueblo lands, merely means that the title starts from a certain source.

Yours truly,

Jno B Carter

term Pueblo lands, merely means that the title starts from a certain source.

Yours truly,

ADDRESS ANSWER
VIA SAN JOSÉ, CALIFORNIA.

(LICK OBSERVATORY,)

University of California,

MOUNT HAMILTON,

....., 188....

E. E. Barnard

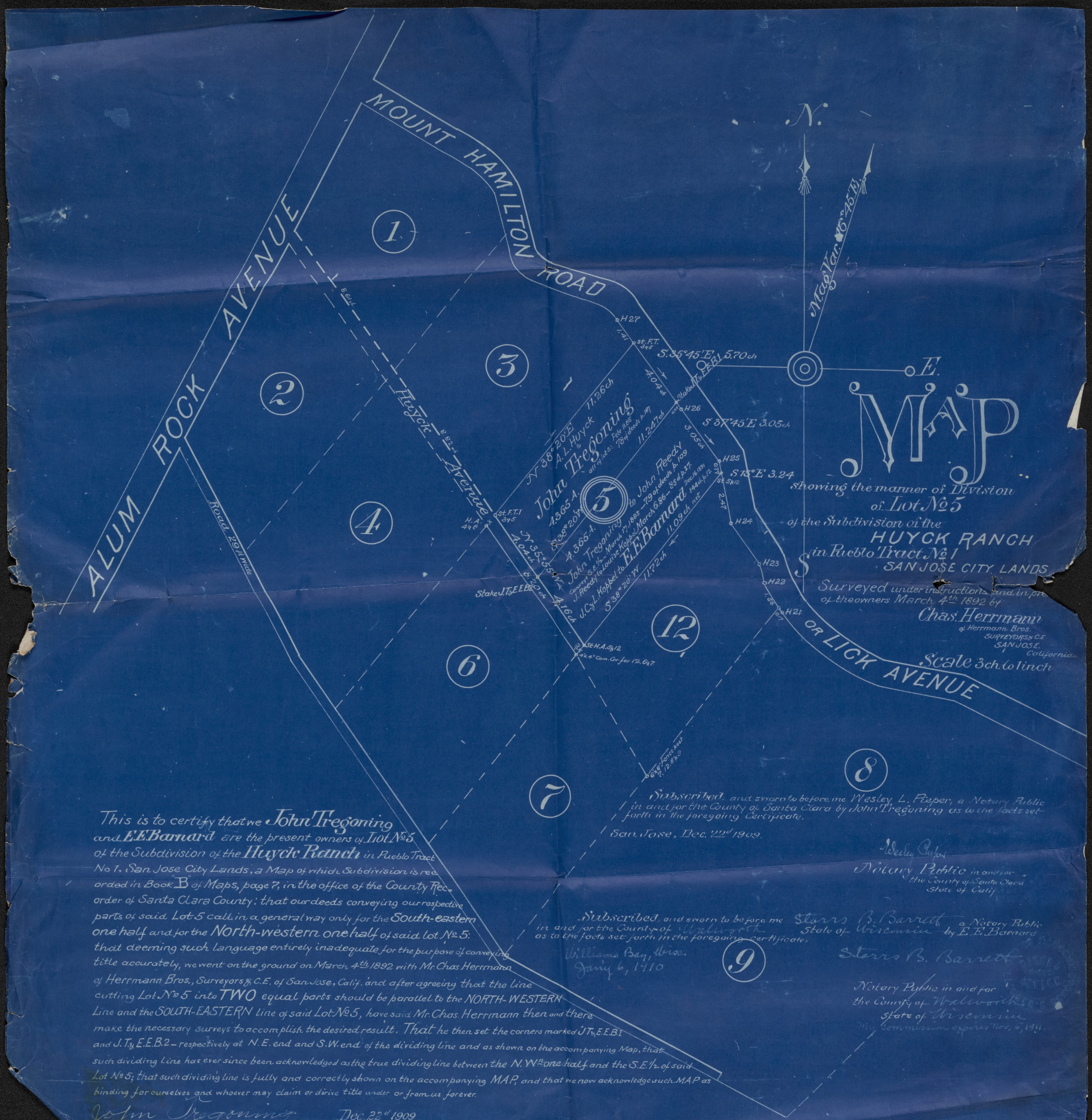
Lick Observatory

Mt Hamilton Cal

near San José.

300 300
~~1500~~ 700 X
500 X
1500

the deeds were lessees of
G B & S



This is to certify that we John Tregoning and E.E. Barnard are the present owners of Lot № 5 of the Subdivision of the Huyck Ranch in Pueblo Tract No 1, San Jose City Lands, a Map of which Subdivision is recorded in Book "B" of Maps, page 7, in the office of the County Recorder of Santa Clara County: that our deeds conveying our respective parts of said Lot 5 call in a general way only for the South-eastern one half and for the North-western one half of said lot № 5: that deeming such language entirely inadequate for the purpose of conveying title accurately, we went on the ground on March 4th 1892 with Mr. Chas Herrmann of Herrmann Bros., Surveyors & C.E. of San Jose, Calif. and after agreeing that the line cutting Lot № 5 into TWO equal parts should be parallel to the NORTH-WESTERN Line and the SOUTH-EASTERN line of said Lot № 5, have said Mr. Chas. Herrmann then and there make the necessary surveys to accomplish the desired result. That he then set the corners marked J.T.&E.E.B.1 and J.T.&E.E.B.2 – respectively at N.E. end and S.W. end of the dividing line and as shown on the accompanying Map, that such dividing line has ever since been acknowledged as the true dividing line between the N.W. one half and the S.E. ½ of said Lot № 5; that such dividing line is fully and correctly shown on the accompanying MAP, and that we now acknowledge such MAP as binding for ourselves and whoever may claim or derive title under or from us forever.

John Tregoning — Dec. 22d 1909

E. E. Barnard — Jan. 6th 1910

Subscribed and sworn to before me Wesley L. Fieper, a Notary Public in and for the County of Santa Clara by John Tregoning as to the facts set forth in the foregoing Certificate.

San Jose, Dec. 22d 1909.

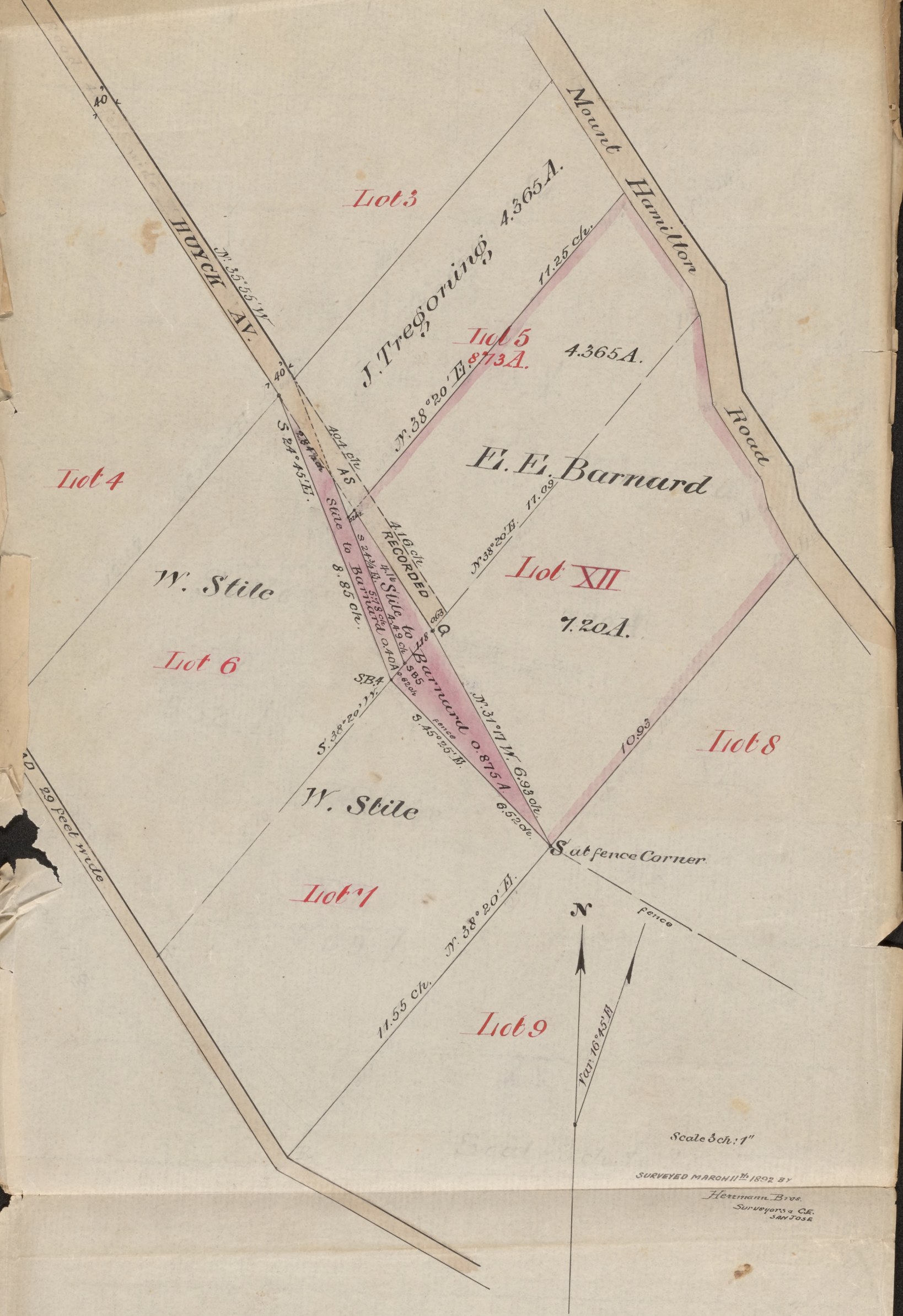
Wesley Fieper
Notary Public in and for the County of Santa Clara State of Calif.

Subscribed and sworn to before me Storrs B. Barrett a Notary Public in and for the County of Walworth State of Wisconsin as to the facts set forth in the foregoing certificate. by E.E. Barnard

Williams Bay, Wisc.
Jany 6, 1910

Storrs B. Barrett

Notary Public in and for the County of Walworth State of Wisconsin
My Commission expires Nov. 5, 1911.



Mount Hamilton Road
HUYCK AV.
N. 35°55' W.
40'
Lot 3
J. Tregoning 4.365 A.
11.25 ch.
Lot 5
8.73 A.
4.365 A.
N. 38°20' E.
E. E. Barnard
Lot 4
S. 24°45' E.
404 ch.
AS
4.16 ch.
RECORDED
Stile to Barnard 0.40 A
8.85 ch.
Lot XII
7.20 A.
W. Stile
Lot 6
Q
SB5
SB4
S. 38°20' W.
N. 31°17' W. 6.93 ch.
S. 45°25' E.
fence
6.52 ch.
10.93
Lot 8
W. Stile
29 feet wide
S at fence Corner
Lot 1
N. 38°20' E.
11.55 ch.
Lot 9
N
fence
Var. 16°45' E.
Scale 3 ch: 1"
SURVEYED MARCH 11th 1892 BY
Herrmann Bros.
Surveyors & C.E.
SAN JOSE

A.T. HERRMANN. CHAS. HERRMANN.

OFFICE OF

Herrmann Bros.

Surveyors and Civil Engineers.

ESTABLISHED 1866

LAND SURVEYING in all its Branches.
BOUNDARY CONTESTS A SPECIALTY.
SEWERAGE, COMPILING,
TOPOGRAPHICAL WORK.

24 Martin's Block,
SAN JOSE, CAL.

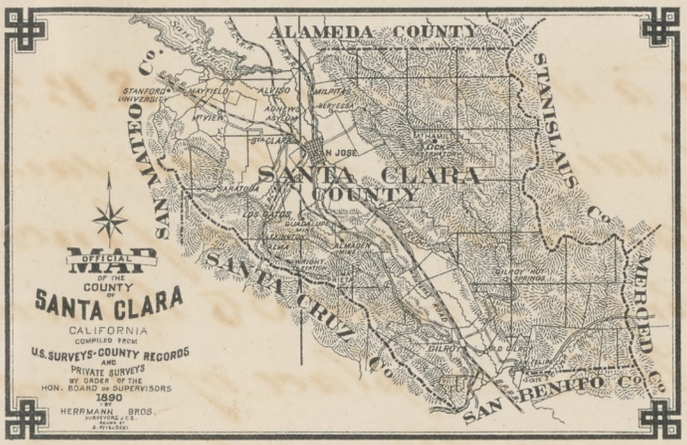
March 12th 1892

Description of that part of Stiles land used as a road lying westerly of the west line of Huyck Avenue.

Beginning at a stake marked S.B.5 standing in the line between lots 6 and 7 of the Subdivision of the Huyck ranch as recorded in book B of maps page 7 Records of Santa Clara County and being distant S. 38° 20' W. 1.18 chs. from stake Q at the common corner for lots 6-7 and 12 of said Huyck ranch subdivision and running thence along the fence on the easterly side of a road 55 links wide N. 24 3/4° W. 5.78 chs. to the intersection of said fence line with the easterly line of lot 6 of the Subdivision of the Huyck ranch being also the westerly line of Huyck Avenue as shown on the map of said Huyck ranch subdivision thence along the easterly line of said lot 6 and westerly line of said Huyck avenue N. 35° 55' W. 2.84 1/2 chs. to the common corner for said lot 6 and 4 in the westerly line of said Avenue thence along the fence on the westerly side of a

road 55 links wide S. 24 3/4° E. 8.85 chs. to a stake marked S.B.4 standing in the line between lots 6 and 7 of said Huyck ranch subdivision thence along the line between said lots 6 and 7 N. 38° 20' E. 0.62 chs. to the place of Beginning, containing 0.40 acres and being a part of lot 6 of the Subdivision of the Huyck ranch as recorded in book B. of Maps page 7 Records of Santa Clara County, Courses true, Var. 16 3/4° E.

Surveyed March 11th 1892 by
Herrmann Bros.
Surveyors & C.E.



A.T. HERRMANN. CHAS. HERRMANN.

OFFICE OF

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TOPOGRAPHICAL WORK.

24 Martin's Block,
SAN JOSE, CAL.

March 12th 1892

Stiles to E. E. Barnard

Beginning at a 6"x6" fence post marked S. standing at the common corner for lots 7-8-9 and 12 of the Subdivision of the Huyck ranch as recorded in Book B of Maps page 7 Records of Santa Clara County and running thence along the line between lots 7 and 12 of said Huyck ranch subdivision N. 31°17' W. 6.93 chs. to a stake marked Q standing at the common corner for lots 6-7 and 12 of said Huyck subdivision and at the southerly end of Huyck Avenue as shown on the above mentioned subdivision of the Huyck ranch thence along the westerly line of said Huyck Avenue being also the easterly line of lot 6 of said Huyck Subdivision N. 35° 55' W. 4.16 chs. to a stake marked S.B. standing at the intersection of the line between lands of E.E. Barnard and J. Tregoning with the westerly line of said Huyck Avenue thence along the line between lands of said Tregoning and Barnard

S. 38° 20' W 0. 26½ chs. to a Stake marked S.B.2 standing at the intersection of said line between said lands of Tregoning and Barnard with a fence forming the easterly boundary of a road 55 lks wide fenced off and opened by Stiles in place of said above mentioned Huyck avenue, thence along said fence on the easterly side of said 55 links wide road S. 24¾ E. 4.49 chs. to a Stake marked S.B.5 standing in the line between lots 6 and 7 of the Huyck ranch subdivision and at the southerly end of said last mentioned road and being distant S. 38° 20' W. 1.18 chs. from Stake Q at the common corner for lots 6-7 and 12 of the Huyck ranch subdivision thence along the line between said lots 6 and 7 S. 38° 20' W 0. 62 chs. to a stake marked S.B.4 standing at the intersection of the line between said lots 6 and 7 with a fence thence along said fence S. 45° 25' E. 6.52 chs. to the place of Beginning containing $0.\frac{875}{1000}$ acres and being a part of lots 6 and 7 of the subdivision of the Huyck ranch as recorded in book B. of Maps page 7 Records of Santa Clara County, Courses true, Var 16° 45' E

Surveyed March 11th 1924
Hermann Bros.
Surveyors & C.E.